United Nations A/AC.109/PV.1446

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1446th Meeting
Thursday, 13 July 1995, 10 a.m.
New York

Acting Chairman: Mr. Bangura . . . . . (Sierra Leone)

The meeting was called to order at 10.40 a.m.

Organization of work

The Chairman: I wish to inform members that the delegation of Mexico has indicated its wish to participate in the meetings of the Special Committee. In conformity with established practice, and if there is no objection, I shall invite the delegation of Mexico to take a place at the Committee table.

It was so decided.

At the invitation of the Chairman, the delegation of Mexico took a place at the Committee table.

Question of East Timor (A/AC.109/2026) *(continued)*

The Chairman: I call on the representative of Sao Tome and Principe.

Mr. Ferreira (Sao Tome and Principe): I am speaking before this Special Committee on behalf of the five African Portuguese-speaking countries: Angola, Cape Verde, Guinea-Bissau, Mozambique and my country, Sao Tome and Principe. On behalf of those countries, I wish to make some comments on the present situation of the question of East Timor.

The present momentum is highlighted by the recent all-inclusive intra-East Timorese dialogue, an event of great political importance, which worked to shape the conditions which have been missing for an authentic process of self-determination under United Nations guidance. Above all, we express our deep appreciation because, for the first time, leaders representing all the political backgrounds in East Timor met in order to organize themselves, and adopted a common position.

The Burg Schlaining Declaration has our total support because it outlines the political position of those who have been struggling under foreign occupation. Paragraph 5 of the Declaration

> "affirmed the importance of the ongoing negotiations between the Governments of Portugal and Indonesia under the auspices of the Secretary-General, which aim at finding a just, comprehensive and internationally acceptable solution to the question of East Timor, according to the provisions, letter and spirit of General Assembly resolution 37/30."

That paragraph is most valuable because it connects all the parties involved with ongoing negotiations between the Governments of Portugal and Indonesia under the auspices of the Secretary-General in order to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor within the provisions, letter and spirit of General Assembly resolution 37/30.

We want to bring to the attention of the Special Committee the need for the Timorese representatives to be directly involved in any acceptable settlement on the question of East Timor; we are looking forward to that happening in the future within the framework of the negotiations.

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This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Many events have taken place since the Committee's last meetings in July 1994. These include the events in Jakarta, where 41 East Timorese were detained while trying to enter the grounds of the United States Embassy, while 29 more were inside the compound of that diplomatic Mission; the arrival in Lisbon of 29 young Timorese; and the most serious incident, which took place in the region of Liquica on 12 January 1995, when six East Timorese civilians were killed.

In fact, the human rights situation has continued to be a problem of concern to us. Many reports, such as those from the National Human Rights Commission and Amnesty International, say that many suspected supporters of independence for East Timor have been subjected to short-term detention, ill-treatment, harassment and gunshots fired by soldiers. We want to remind the Indonesian Government that any individual who commits acts of aggression against East Timorese civilians must be brought to justice. East Timorese prisoners in custody must have the right to fair treatment and must be released without any preconditions. Also, the cultural identity of the people of East Timor must be preserved; all attempts to modify it are illegitimate.

The Territory of East Timor is a Non-Self-Governing Territory, and Portugal, as administering Power, must encourage all countries to avoid exploration for and exploitation of the natural resources of the Territory of East Timor.

In conclusion we, the group of five African lusophone countries, will continue to support the all-inclusive intra-East Timorese dialogue and the negotiations between Portugal and Indonesia under the auspices of the Secretary-General and involving the authentic representatives of East Timor.

The Chairman: I call on the representative of Portugal.

Mr. Quartin Santos (Portugal): I begin by congratulating you, Sir, on your new role as Acting Chairman of the Special Committee, a prestigious body which for more than three decades has maintained a tradition of valuable work in the field of decolonization. I am sure that under your able guidance this Committee will continue to perform all its duties in a most satisfactory manner.

Portugal, in its capacity as administering Power of the Non-Self-Governing Territory of East Timor, has continuously cooperated with the Special Committee, despite the obvious limitations stemming from the fact that it has hitherto been prevented de facto from exercising effectively the responsibilities incumbent upon it.

When my delegation was about to address the Special Committee over the question of East Timor, on 14 July last year, reports had just reached us concerning the occurrence of serious incidents in the Territory's capital, Dili, forcing us to introduce a last-minute addition to our text. As was later confirmed, a demonstration by hundreds of students of the University of Dili was being staged in protest against an incident involving two nuns who had been provocatively harassed by individuals later identified as members of police and army intelligence. The demonstration was harshly repressed, resulting in a sizeable number of casualties. These events followed another incident relating to religion that had taken place on 28 June, in Remexio, when two soldiers publicly desecrated the communion host, prompting a protest by local people, who were later detained. The occupying authorities said the soldiers would be disciplined and court-martialled.

The facts I have just referred to reveal that a new factor, religious tension, had surfaced, contributing to heightening an already tense and intimidating atmosphere. But those facts were not the only new elements; together with the emergence of unprecedented ethnic-based violence and the appearance of new forms of protest and disaffectation on the part of the East Timorese *vis-à-vis* the status quo in their country, they have characterized the unfolding of events in East Timor since the Special Committee last met to discuss this question. I will return to these factors later.

July 1994 was also the month when another relevant fact took place: the visit paid to East Timor, on the invitation of the Government of Indonesia, by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions of the Commission on Human Rights, Mr. Bacre Waly Ndiaye. Mr. Ndiaye submitted a long and detailed report to the Commission on Human Rights at its fifty-first session. As a brief initial comment, I would say that it constitutes a serious and well-documented indictment not only of the Indonesian authorities' behaviour in connection with the 12 November 1991 killings at the Santa Cruz cemetery, but also of the overall human rights situation in East Timor.

Mr. Ndiaye points out that most of the provisions adopted by the Commission on Human Rights since 1992

are still to be implemented and he urges the Indonesian authorities, *inter alia,* to conduct proper investigations of the Santa Cruz killings — "killings, and not an 'incident', took place in Santa Cruz" (*E/CN.4/1995/61/Add.1, para. 81*), Mr. Ndiaye wrote — to identify and bring to justice the perpetrators, to determine the fate and whereabouts of the missing persons, to grant compensation to the victims or their relatives, and to prevent the occurrence of further killings.

The Special Rapporteur, who speaks of

> "the atmosphere of fear and suspicion currently prevailing in East Timor" (*ibid., para. 83*),

is of the opinion that no confidence-building measures can be effective and no solution to the problems confronting East Timor can be found before justice has been done, and he maintains that the conditions which allowed the Santa Cruz brutality to occur are still present. Mr. Ndiaye wrote also that

> "a drastic reduction of the military presence in East Timor is a prerequisite for confidence-building measures". (*ibid., para. 83*)

His report concludes, moreover, that the shooting at the Dili cemetery was not an isolated incident, but a planned military operation.

In fact, the human rights situation continued to be a source of deep concern in the second half of 1994, and its serious deterioration during the early months of the present year has been consistently reported. After the June-July incidents I mentioned earlier, which prompted the countries members of the European Union to issue a declaration on 18 July 1994 expressing their concern over the events, violence erupted again in the streets of Dili in November 1994 and January 1995, and in Baucau on 1 January 1995, during which five people were reported killed, several injured and many arrested. Both in Dili at times in November, and in Baucau in January, ethnic-related disputes seem to have been the sparks that ignited fires of violence hitherto absent from the East Timorese pattern of peaceful demonstrations and protests. Massive immigration of Indonesians into East Timor under the encouragement of the occupying authorities is now reaching the point where it represents a most disturbing factor in the already intolerable human rights situation prevailing in the Territory, since it has contributed to marginalizing the East Timorese and to aggravating the unemployment problem affecting them.

On 12 November 1994, 29 East Timorese students entered the United States Embassy in Jakarta and displayed banners calling for the President of the United States to seek the release of the East Timorese resistance leader, Xanana Gusmão, to push for his participation in peace talks, and to support a referendum on the political future of East Timor. With the cooperation of the International Committee of the Red Cross (ICRC) they were allowed to depart for Portugal on 24 November 1994.

It can be said that never, since the 12 November 1991 massive killings in Santa Cruz cemetery, had the problem of East Timor attracted such attention on the part of world-wide public opinion.

But the worst was still to come. On 12 January 1995, six East Timorese civilians — José Nunes, Augusto Pinto Nunes, Abel Nunes, Américo Araújo and Osório Soares — were killed by the Indonesian armed forces in the region of Liquica. The occupying authorities maintained at first that they were guerrilla fighters who had been killed while engaged in action by the Indonesian military. The Indonesian National Human Rights Commission, though, after proceeding to an investigation on the spot, concluded that the six were in fact local civilians who had been tortured and shot by the soldiers. After another investigation carried out by the military, one officer and one private were court-martialled for their role in this brutality, sentenced to four-and-a-half and four years of imprisonment, respectively, and discharged from the army. Though we view this investigation and the holding of members of the armed forces accountable for their behaviour as positive, we cannot fail to compare the disparity between the sentences handed down for the torturing and cold-blood killing of people with those given to East Timorese charged with non-violent acts of protest and demonstration.

This was the case with José António Neves, a theology student arrested in East Java in May 1994 and sentenced in February to four years in prison, accused of seeking to gain international support for East Timor's independence by sending faxes with information on human rights abuses in East Timor to overseas non-governmental organizations. The same applies to Isaac Soares, Miguel de Deus, Pantaleão Amaral, Rosalino dos Santos and Pedro Fátima Tilman, sentenced to 20 months' imprisonment for taking part in a peaceful pro-independence demonstration staged before a party of foreign journalists on 14 April 1994 in Dili.

As if the Indonesian authorities were taking revenge for the restraint they had had to exercise before the international press correspondents gathered in Jakarta and Dili for the Asia-Pacific Economic Cooperation Council (APEC) summit meeting held last November, East Timor has been swept since that occasion by a wave of new repressive and intimidating actions, leading to a serious deterioration of the human rights situation.

Hooded gangs, so-called "ninjas", roamed the streets of Dili and of villages in rural areas, attacking those supposed to be opposed to Indonesian rule. Amnesty International reported that the authorities have responded to the unrest in the territory with arbitrary detentions, beatings and torture, as was exemplified by the handling of the 9 January demonstration at Dili University, which led to the sentencing of José António Belo to 17 months in jail. After the reading out of the sentence, he appealed to the Indonesian authorities to stop torturing the imprisoned East Timorese, which was said to be a concrete reference to torture inflicted on a group of prisoners in the Becora military prison. Others who took part in the aforesaid demonstration were also handed jail terms: Lemos Barreto and Inácio Jesus Santos — 20 months; José Pinto, Pedro Costa and Alex Costa — 26 months; Carlos Barreto and José Amaral — 30 months.

Still, according to Amnesty International:

> "hundreds of suspected supporters of independence for East Timor were subjected to short-term detention, ill-treatment and harassment"

in 1994.

The Government of Indonesia, instead of reducing the troop level in East Timor as it has been pledging to do for years, has in fact, according to all available testimony, significantly increased their number during the months that followed the demonstrations staged in November in Jakarta and Dili. As for the state of mind of some of their main responsible officers, I would like to quote two of them. The first, Colonel Kiki Syahnakri, then commander for East Timor, said on 1 December 1994:

> "We will not tolerate any more disturbances or demonstrations in East Timor, especially in the capital, Dili. If repetitions occur ... I will not hesitate to cut them to pieces."

The second, Major-General Adang Ruhiatna, is commander of the regional area which includes the troops stationed in East Timor. Speaking to the magazine *Forum Keadilan* in March 1995, he said of the East Timorese opponents:

> "A lot of people have been coming just asking us to finish them off. We're just waiting for the order. If it is that we want, it would be easy."

Against this deplorable background, the United Nations Commission on Human Rights adopted by consensus on 1 March 1995 a new Chairman's statement on the situation of human rights in East Timor, following those approved in 1992 and 1994, and resolution 1993/97, adopted in 1993. This time, the Commission expressed its deep concern over the continuing reports of human rights violations in the territory and again urged the Indonesian Government to live up to its commitments regarding the improvement of human rights in East Timor, namely the full investigation of the 12 November killings in Santa Cruz, with especial reference to those people still missing and the circumstances surrounding the matter; the early release of the East Timorese convicted; and the granting of access to human rights and humanitarian organizations and the international media. The High Commissioner for Human Rights is to be invited to visit East Timor in 1995 and to submit his report to the Commission on Human Rights at its fifty-second session. Relevant thematic Special Rapporteurs and/or Working Groups of the Commission are also to be invited, taking into consideration their requests, when necessary, in the fulfilment of their duties.

But as my delegation has pointed out before, not only has significant progress over the investigations related to the 12 November 1991 killings failed to materialize, but those East Timorese already convicted for non-violent activities have not been released and more have recently been sentenced for engaging in peaceful political activities.

While some progress had previously been achieved regarding the granting of access to East Timor, we must nevertheless regret that the call reiterated by the Commission on Human Rights in this regard has yet to receive a positive response and that the international media have been, with very few exceptions, barred from entering the Territory since early this year. This constitutes a serious setback in the efforts to redress the situation and is a sign of Indonesia's lack of serious will to live up to its own commitments.

Still in the field of human rights, I will conclude by quoting the remarks publicly made by the Minister of Foreign Affairs of Australia on 16 May 1995:

> "There is no doubt there is an oppressive military presence in East Timor far and away beyond that which is needed for the security of the place."

These comments were prompted by the claims of Mr. Simon de Faux, an Australian nurse, concerning activities in East Timor. Having served as a volunteer health worker in East Timor early this year, he said that he had treated people there who had been tortured, raped and beaten by Indonesian soldiers. The Indonesian authorities, while dismissing the charges, have promised that an investigation into the matter will be carried out. It would therefore be important for its results to be made public.

In an unprecedented development, about 1,000 East Timorese visiting Australia early this year, apparently as tourists, have applied to the Australian authorities for political asylum. More recently, 18 people, including women and children, have escaped from Dili by boat — a small and fragile wooden fishing vessel — and headed to the northern coast of Australia with the same purpose. They were the first "boat people" ever to escape from East Timor, in a clear indication that significant improvements in the conditions prevailing in the territory have failed to materialize.

On 9 January 1995, the fifth round of talks over the question of East Timor took place under the Secretary-General's auspices. Since the positions of the Government of Portugal and Indonesia over the Territory's status have remained far apart, efforts in this context have been concentrated on defining and carrying out a number of measures aimed at fostering an atmosphere of dialogue, improving the situation in the territory and trying, through a step-by-step approach, to bridge the existing differences whenever possible.

An area where concrete progress has lately been achieved pertains to the association of the East Timorese with this process. First, and in accordance with what had been approved during the previous meeting, on 6 May 1994, the Minister of Foreign Affairs of Portugal met in Luxembourg on 4 October with a delegation of supporters of integration. Two days later in New York, the Foreign Minister of Indonesia met with supporters of self-determination.

In the January meeting, it was further decided that the Secretary-General would facilitate and offer the necessary arrangements for the convening of an all-inclusive East Timorese dialogue as an important contribution to his own efforts. This dialogue was purported to address informally a number of practical ideas and possible actions that could lead to the improvement of the situation in the Territory and ease tension over the issue as a whole. It was conceived mainly as a kind of advisory forum for the Secretary-General.

This development was viewed by Portugal as particularly positive, since it has been its consistent policy to include the East Timorese, as the main interested party, in the search for a settlement to this question, in accordance with Article 73 of the Charter and with the relevant resolutions of the United Nations in the area of decolonization. It was extremely important that, with United Nations assistance, conditions be created for a free, credible and open debate among the leading representatives of the diverse East Timorese movements, with all opinions represented.

The first all-inclusive Intra-East Timorese meeting took place in Burg Schlaining, Austria, from 2 to 5 June 1995. After thorough consultations were held by the United Nations Secretariat with the Governments of Portugal and Indonesia as well as with East Timorese political parties and personalities, both from within East Timor and outside, 30 East Timorese were able to meet alone, with the assistance of a very limited number of efficient and discreet United Nations officials.

As members know, the meeting took place in a very positive and constructive atmosphere, allowing for the Burg Schlaining Declaration to be issued together with two annexes, one referring to the whole range of issues discussed — which should continue to be debated, according to the Declaration, at future meetings — and the other reproducing the statement made by Monsignor Ximenes Belo on behalf of the Catholic Church in East Timor.

As a general comment on the Burg Schlaining gathering, I would say that it served the purpose for which it was convened. It showed that, political differences notwithstanding, it is possible to find common platforms of understanding with respect to the need to arrive at a settlement to this question as a whole, and also regarding crucial areas of concern for the East Timorese, including redressing the human rights situation and

promoting peace; preserving the East Timorese identity; and the need for the further involvement of the East Timorese in running their own country in a climate of mutual understanding, tolerance and harmony. It is also worth noting that they proposed to the Secretary-General that further intra-Timorese meetings be held within the same framework.

In their sixth round of talks, which took place a few days ago, on 8 July, the Portuguese and Indonesian Foreign Ministers welcomed the Burg Schlaining meeting and qualified it as

> "a positive effort to help create an atmosphere conducive to the achievement of a solution to the question of East Timor".

The Ministers also welcomed the Secretary-General's view on the need to convene a further meeting, or meetings, to continue this dialogue in a timely manner.

Among the substantive issues on which discussion has begun, as announced by the press communiqué issued at the end of the sixth round, one of them, "the preservation and promotion of the cultural identity of the East Timorese people", corresponds to one of the items addressed by the Burg Schlaining Declaration, thus demonstrating the usefulness of this initiative in the context of the process of dialogue.

Portugal and Indonesia, despite their opposing views regarding the political status of East Timor, started discussing, *inter alia*, substantive issues identified by the Secretary-General related to an eventual framework for the achievement of a settlement of this problem. The Portuguese Government wishes to reiterate its full commitment to collaborate with the Secretary-General's efforts in that direction, as well as its openness to explore all possible ways to reach that goal, provided that the legitimate rights of the East Timorese, in accordance with the Charter and international law, are fully respected.

As members are aware, the International Court of Justice handed down, on 30 June last, a Judgment on the *Case concerning East Timor (Portugal versus Australia)*. As members also certainly know, the Court concluded that it could not exercise its jurisdiction in this case, because Indonesia, which does not accept the mandatory jurisdiction of the Court, was absent from the proceedings. And since the Court decided that to rule on the merit of the case would necessarily imply a ruling on the lawfulness of Indonesia's conduct regarding East Timor, the latter's absence led the Court to decline to exercise its jurisdiction.

It should be pointed out, then, that the Court's decision was taken on purely procedural grounds, for the reason I have just given. There was no Judgment on Portugal's claims and therefore no conclusion on the lawfulness of Australia's action in negotiating, concluding and implementing the so-called Timor Gap agreement with Indonesia.

It should also be recalled, however, that the Court did not fail to recognize that Portugal's assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an *erga omnes* character was "irreproachable". The Court also recognized, in paragraph 31 of its Judgment, that

> "the General Assembly, which reserves to itself the right to determine the Territories which have to be referred to as Non-Self-Governing for the purposes of the application of Chapter XI of the Charter, has treated East Timor as such a Territory. The competent subsidiary organs of the General Assembly have continued to treat East Timor as such to this day. Furthermore, the Security Council, in its resolutions 384 (1975) and 389 (1976) has expressly called for respect for 'the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)'".

Even though the Court did not wish to rule on Indonesia's conduct towards East Timor, due to its absence, it mentioned in paragraph 14 that

> "the intervention of the armed forces of Indonesia in the territory"

and said also, in paragraph 13 of the judgment, that

> "On 7 December 1975, the armed forces of Indonesia intervened in East Timor".

These expressions imply the qualification of such conduct as being against international law.

In reaction to this judgment, the Portuguese Government challenged the Government of Indonesia to accept the jurisdiction of the International Court of Justice and to abide by its ruling on the case. This

challenge has failed, however, to receive a positive response.

The Court's decision on this procedural point, which prevented a Judgment on the substance from being delivered, does not affect the legal and political grounds on which Portugal's action to complete the decolonization of East Timor, in conformity with international law, and to uphold the rights of the East Timorese has been carried out, the Court having clearly recognized the Timorese people's right to self-determination and the Territory's Non-Self-Governing status.

The Portuguese Government, before United Nations political bodies and before its principal judicial organ, the International Court of Justice, has continued to pursue consistently a policy aimed at defending the legitimate rights of the people of East Timor, in conformity with the Charter, resolutions 1514 (XV) and 1541 (XV), as well as with all the other resolutions adopted on this question by the Security Council and the General Assembly.

This year, the fiftieth anniversary of the United Nations — which coincides with the twentieth anniversary of the illegal invasion of East Timor — the question of East Timor is increasingly attracting worldwide attention, not only as a basic human rights issue but also, first and foremost, as a question of restoring the rights of a small colonial people, allowing it freely to choose its future political status. The two problems, as shown by the experience of the past 20 years, are inextricably interlinked. If the underlying political causes of the unrest in the Territory are not dealt with, there will be no lasting peace and no significant human rights improvement.

The determination of the East Timorese to fight for their rights has been dramatically highlighted by the events that took place in November in Jakarta and in Dili, during the Asia-Pacific Economic Cooperation (APEC) summit meeting. Growing international concern over the issue was reflected by the unprecedented media coverage, indicating that it can no longer de facto be kept out of the international agenda. In early June, the Inter-Parliamentary Conference on East Timor, held in Lisbon at the initiative of the Portuguese Parliament, assembled 200 members of Parliament and personalities from more than 30 countries, representing all continents, called for effective action in favour of the people of East Timor to be carried out as a matter of urgency.

Portugal will persevere in fulfilling its duties as the administering Power in order to find, through peaceful and diplomatic means and in close cooperation with United Nations bodies, a settlement to this protracted problem, which constitutes an anachronism and an injustice, striking an unacceptable contrast with this year's commemoration of the very existence of this Organization.

Mr. Samana (Papua New Guinea): In the last two days, my delegation has heard with great interest the submissions of various petitioners, presenting their perceptions of the situation in East Timor, with particular reference to the alleged human rights violations by the Indonesian security forces.

I have no doubt that my Indonesian colleagues have taken note of these allegations and will bring them to the attention of their Government.

I wish to make several observations on this very sensitive issue. First, I wish to refer to the fact that in the wake of Indonesian military intervention to deal with the civil disorder in East Timor in 1974, waves of protesters emerged from all corners of the globe, and a number of non-governmental organizations established offices specifically to advance the cause of their protest in different international forums, including the United Nations.

Twenty years after the invasion some of these former protesters have prospered after having written theses on the Timorese struggle, and have been promoted within the circles of the university faculties as experts on the subject — not to mention a number of Western journalists who seem to thrive on writing about other people's problems. My delegation shares the concern about human-rights violations, not only in Indonesia but in every part of the globe.

A thorough assessment of the internal and external factors leading to the current situation in East Timor would provide us with a broader perspective and understanding of the complexity of the East Timor situation. None of the petitioners have mentioned that Portugal, which has been the administering Power in East Timor for many centuries, hastily left the islanders to fend for themselves twice — once during the Second World War, and then at the outbreak of the East Timor rebellion in 1975.

There is sufficient evidence to indicate that the Government of Portugal relinquished its responsibility as an administering Power in East Timor when it

irresponsibly abandoned the Territory in August 1975, at the height of the Timorese rebellion, resulting in a total collapse of civil order and bloodshed.

Another important factor, which was not mentioned by any of the petitioners, is the cold-war geopolitical situation in which Indonesia's extension of sovereignty over East Timor was exercised. It was achieved with the full knowledge of and silent acceptance by Western Powers — in particular, the United States, whose former President, Gerald Ford, met with President Soeharto of Indonesia in November 1974, prior to the integration of East Timor with Indonesia.

This particular crisis, within a specific geographic location of strategic value and interest to the global strategy of the United States, linking United States efforts in the Viet Nam war, in which Australia was an active participant, prompted an obvious super-Power reaction, precipitating the integration of East Timor with Indonesia, in the total absence of Portugal.

My delegation understands that at the time of the rebellion in East Timor different political parties emerged, each competing vigorously to take political control of the East Timor situation. At this time two distinct political opinions emerged, one favouring total independence, the other integration. Those who favoured integration hold that integration with the Indonesian Republic has resolved the political crisis in East Timor, while those who opposed integration are waging a guerrilla war.

I wish to make an additional point: that there were other opinions within East Timorese political factions that favoured integration with Portugal.

Even without the Indonesian intervention, the possibility of proxy wars conducted through external influence and support for different political/ideological camps in East Timor could have been just as fatal. Another scenario of an independent East Timor in the context of the cold war, presenting a different ideological front destined to destabilize the Indonesian State, was a prevailing perception within the region.

My delegation therefore believes that the East Timor situation must be carefully analysed and can be resolved only through peaceful means, and not by creating further antagonisms.

Certain Powers, both within and outside the Pacific region, see the independence of East Timor as favouring their vested economic interest, given the mineral riches, such as oil and other resources, within the area. The actions of these Powers in the international community, purporting to support the Timorese case, is questionable from our perspective.

I wish to cite one of the East Timorese speakers who, when petitioning the Committee last year, stated that the provision for infrastructural development made by Indonesia in the last 20 years was far more extensive than that of the Portuguese during 400 years of colonialism.

Having made these observations, Papua New Guinea supports the efforts by the Secretary-General in facilitating the sixth round of talks on the question of East Timor, held in Geneva on 8 July 1995 between the Foreign Ministers of Indonesia and Portugal subsequent to the all-inclusive intra-East Timorese dialogue held in Austria from 2 to 5 June 1995.

My Government looks forward to the seventh round of talks between the two Foreign Ministers and urges them to make progress on the substantive issues, including an eventual framework for the achievement of an outcome acceptable to all concerned.

Mr. Sriwidjaja (Indonesia): At the outset, my delegation would like to express its appreciation to you, Mr. Chairman, for guiding the work of the Special Committee, and we are hopeful of a successful outcome to the deliberations this session.

In the past my delegation has unequivocally made clear its position on the so-called question of East Timor. In this regard, it is our firm view that the appropriate forum to find a just, comprehensive and internationally acceptable solution to the question of East Timor is the ongoing tripartite dialogue held between Indonesia and Portugal under the auspices of the United Nations Secretary-General. To this end, we would like to inform the Committee that the sixth round of talks was held by the Secretary-General only a few days ago, on 8 July 1995, between the Foreign Ministers of Indonesia and Portugal, and the parties agreed to continue their efforts. The discussions centered on the substantive issues related to the eventual framework for the achievement of a solution, as well as other matters, including the preservation and promotion of the cultural identity of the East Timor people and bilateral relations between Indonesia and Portugal.

The continued consideration of the question of East Timor by this Committee will not in any way contribute towards a favourable atmosphere for the ongoing efforts under the auspices of the Secretary-General. It should be noted that the next round of talks is scheduled to be held on 16 January 1996 in London.

Furthermore, the all-inclusive intra-East Timorese dialogue was convened recently in Burg Schlaining, Austria, from 2 to 5 June 1995. This constitutes a positive effort to create an atmosphere conducive to the achievement of a solution to the question of East Timor. This dialogue was convened following the agreement reached at the fifth tripartite dialogue, of 9 January 1995, which, *inter alia*, stipulated the need for East Timorese of all shades of opinion to exercise restraint and to refrain from actions that could have a detrimental impact prior to and during the course of the dialogue. We believe that the dialogue was successful since it served as a useful forum for East Timorese personalities to meet in a peaceful and fraternal atmosphere.

Against this backdrop, Indonesia regrets the unfounded allegations and misrepresentations made earlier by the representative of Portugal concerning the so-called question of East Timor. We have heard from the petitioners the same litany of accusations concerning the situation in the province. My delegation is therefore compelled to make the following clarifications.

It is pertinent to recall that the process of decolonization was carried out strictly in accordance with General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV), which eventually resulted in the independence of East Timor through integration with the Republic of Indonesia. Although the Indonesian Government welcomed the expressed desire of the East Timorese people for integration, it was only when the proper exercise of self-determination had taken place in accordance with the Territory's traditional practices and culture that Indonesia acceded to the formal request presented to the Indonesian Government by the representatives of the four political parties in East Timor, representing the overwhelming majority of the East Timorese people. The statute for integration was signed into law on 17 July 1976, and decades of Portuguese colonialism, oppression and suffering and months of internal strife and bloodshed came to an end.

As the Special Committee is aware, no two cases of decolonization are alike — subject as they are to different historical and geopolitical realities in those territories. In fact, many Non-Self-Governing Territories have gained their independence without resort to the relevant United Nations General Assembly resolutions, as was the case in almost all Portugal's former colonies. What is also frequently overlooked is the fact that the participation of the United Nations in every process of decolonization is not mandatory.

It is indeed astonishing to note how Portugal plays the role of an administering Power. It is a historical fact that, in August 1975, the Portuguese colonial authorities irresponsibly and precipitously abandoned East Timor after allowing the situation to deteriorate to the point of civil war. It fueled even more fighting and bloodshed by turning over arms and ammunition to the leftist Revolutionary Front for an Independent East Timor (FRETILIN), which thereupon terrorized the population. What actually occurred was the massive breakdown of governmental authority, with civil war engulfing East Timor. Thousands were killed and even more fled the territory into West Timor, Indonesia, posing serious political, economic, social and security problems in the region. Can such action be considered moral? My delegation finds its difficult to justify the moral grounds for such irresponsible behaviour.

The historical responsibility of Portugal to East Timor is not in evidence, especially in view of the deplorable and poverty-stricken conditions existing in the Territory after its abandonment. In fact, it was a 450-year colonial legacy of neglect, so that education, health facilities, housing and communications in East Timor would best be described in a single word: non-existent. As for Portugal's legal grounds for asserting itself as the administering Power, those are equally difficult to justify. Its past actions demonstrate not only its inability to carry out its responsibility, but also its complete lack of interest in assisting the Territory in any just or orderly process of decolonization.

It is beyond doubt that Portugal has forfeited all historical, moral, legal and political right still to be considered the administering Power. We would have wished that this exalted sense of duty had been in evidence 19 years ago. It is our earnest hope that Portugal will accept the reality of the situation, that is, that the East Timorese people have already determined their fate fully in accordance with the essence and spirit of the relevant United Nations resolutions.

As regards the human rights situation in East Timor, my delegation would like to inform the Committee that

Indonesia has taken a number of significant steps which go well beyond the Chairman's consensus statements before the Commission on Human Rights in 1992, 1994 and 1995. We are endeavouring in all sincerity to resolve the remaining issues related to the Dili incident of 12 November 1991, including continuing the search for missing persons.

Indonesia has always expressed its readiness to work with the Commission on Human Rights. It is in this spirit that it has invited the Special Rapporteur and representatives of the Secretary-General to visit Indonesia, including East Timor. It is not the intention of the Indonesian delegation to undermine the credibility of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. However, since many speakers have referred to his report, I am compelled to offer some background information concerning his visit.

The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, visited East Timor from 3 to 13 July 1994 and presented a report which Indonesia deeply regrets and whose contents it rejects. We believe it gives a distorted and biased picture and does not even taken into account Indonesia's views, for the following reasons. In this regard, I should like to inform the Committee that I myself personally accompanied Mr. Bacre Waly Ndiaye during his visit to the province. It was agreed that his mandate was only to seek further clarifications concerning the Dili incident of 12 November 1991, in line with the recommendations of the consensus statement of the Chairman of the Commission on Human Rights. I was aware that he already had a list of allegations originating from irresponsible sources alleging "ninja" activity, killing of the wounded from the Dili incident by the doctors in the hospital, the practice of *mandilant*, the rape of women and torture by the Indonesian armed forces. These preconceived ideas were contained in his report. Consequently, there is no doubt that the Special Rapporteur acted beyond the purview of his mandate. However, our firm position on this issue does not diminish our determination further to improve the promotion and protection of human rights and to continue to cooperate with the United Nations mechanisms.

In addition, it has been proposed that a branch of the National Human Rights Commission be opened in Dili, East Timor, in order more effectively to monitor the human rights situation there. This body has been praised by the international community for its impartial investigations and findings.

As regards the Liquica incident of 12 January 1995, the two soldiers who were indicted for criminal acts were brought to trial. They were later sentenced to four-and-a-half and four years, respectively. Both of the sentences meted out by the courts demonstrated the commitment of the Indonesian authorities to upholding the law, protecting human rights and ensuring against recurrences of such human rights violations.

The allegations that Indonesia is increasing its troop presence in East Timor and those concerning Indonesia's policy are blatantly false. The doctrine of the Indonesian armed forces is that they come from the people, protect the people and are for the people. It should be noted that soldiers have to implement the orders of their commanding officers. Some of these officers have participated in the international military training programme of the United States, which emphasizes humanitarian law in the protection of the local population. The military penal code, the eight soldiers' obligations and seven rules of conduct are strictly applicable to all individuals in the Indonesian armed forces. These include being sensitive to the needs of the local people and honouring women. In any armed forces situation, there are always a few individuals who do not follow their orders; these are dealt with by strict measures, including court martial and dismissal. Furthermore, the Military Operation Command has been disbanded and replaced by a regular District Command which, it should be emphasized, is similar to that in other Indonesian provinces. The troops are now involved in civic missions to expedite the promotion of development in the province.

The Committee was intentionally misled by being given the impression that ethnic tensions in the province have led to certain incidents. The incident in Baucau had nothing whatsoever to do with religious provocation or ethnic strife. It was an outbreak of violence caused by a quarrel between two traders, one from East Timor and the other from Sulawesi, which tragically resulted in the death of the East Timorese individual. The South Sulawesi man was later tried before the criminal court and sentenced to 11 years in prison.

The other demonstrations that were referred to have been completely and factually distorted. These demonstrations were instigated by elements intent on attracting the attention of the international community either during the Asia-Pacific Economic Cooperation Council summit in November 1994 or at the time of the tripartite dialogue between the Foreign Ministers of

Indonesia and Portugal in January 1995, held under the auspices of the Secretary-General.

As regards the Judgment of the International Court of Justice on the East Timor case alluded to by some petitioners, it must be clarified that the Court did not render a decision on the question of the self-determination of East Timor. In this regard, the Court dismissed Portugal's claims by concluding that it could not

> "rule on Portugal's claims on the merits, whatever the importance of the questions raised by those claims and of the rules of international law which they bring into play".

It is essential to emphasize in this connection that the Court only noted the fact that the General Assembly had treated East Timor as a Non-Self-Governing Territory. In the context of its analysis regarding the position of the two parties to the case, the Court thus never reaffirmed the right to self-determination of the East Timorese people, as claimed by some petitioners.

It is important to note that the Indonesian-Portugal Friendship Association (PPIP), in cooperation with the Portugal-Indonesian Friendship Association (PIFA), held a cultural event on 3 April 1995 in Jakarta, in which 18 Portuguese singers, dancers and musicians from Coimbra University, Portugal, participated. The President of PPIP and the Chairman of PIFA attended this event. In his speech, the President of PPIP expressed his support for the integration of East Timor with Indonesia.

Indonesia's contribution to the province of East Timor is well known. It is reflected in the impressive record of various aspects of development, whether it be in agriculture, health care or the building of socio-economic infrastructures.

The Government of Indonesia welcomes visitors to the province to view for themselves the substantial progress made there. During the past six months, the province was pleased to welcome members of Parliament, Ambassadors and representatives of various Embassies in Jakarta, as well as several foreign journalists. The Government of Indonesia has also extended an invitation to Belgian Members of Parliament to visit East Timor in September 1995. The European Parliament-Indonesia Friendship Association (EPIFA), representing various political parties in European Union member countries, plans to visit East Timor next month. The High Commissioner on Human Rights is also set to visit East Timor in November.

Finally, in the light of the foregoing, it is clear that all the allegations leveled against Indonesia are essentially politically motivated, unsubstantiated and highly exaggerated. It is therefore our earnest hope that the Committee accept the prevailing reality that the process of decolonization in East Timor is complete, and allow its people to build a more certain future for themselves and their children.

The Chairman: I shall now call on those representatives who wish to speak in exercise of the right of reply.

I draw the Committee's attention to the following decision of the General Assembly:

> "The number of interventions in the exercise of the right of reply for any delegation at a given meeting should be limited to two per item.
>
> "The first intervention in the exercise of the right of reply for any delegation on any item at a given meeting should be limited to 10 minutes and the second intervention should be limited to five minutes." *(decision 34/401, paras. 9-10)*

I would request members' cooperation in this regard.

Mr. Quartin Santos (Portugal): I will be quite brief. I should like to comment on the statements made by several of the delegations and petitioners who spoke before the Committee.

First, some historical interpretations and analyses were made before this Committee about the events that took place in East Timor in 1974 and 1975. This matter has been thoroughly discussed in this Committee for years, so I will not abuse members' patience. I should like to say that we stand by what we have said before, and I should also like to add that the rights of colonial peoples cannot be ignored on the pretext of any eventual wrongdoings or shortcomings of the administering Power; to do that would be to turn upside down the Charter and relevant resolutions of the United Nations in the field of decolonization, which would be absurd.

Secondly, I should like to refer also to the alleged relinquishment by Portugal of its status as the administering Power of East Timor because of the events of 25 August 1975. The relevant resolutions of the General Assembly and the Security Council adopted

subsequently have clearly recognized that capacity. And the arguments of Indonesia and Papua New Guinea, as stated a few moments ago, do not explain how the Rome meeting between the two Ministers for Foreign Affairs could have taken place in November 1975, a meeting at which that capacity was clearly recognized by Indonesia. Furthermore, how could a draft resolution have been submitted on 30 December 1975 by Indonesia, among others, praising the efforts of Portugal as administering Power to put the East Timor decolonization process on the right track?

To conclude, I should like to read out the second part of paragraph 31 of the Judgment of the International Court of Justice, since I think it was somehow misinterpreted moments ago by our Indonesian colleague.

> "For the two Parties [Australia and Portugal], the Territory of East Timor remains a non-self-governing Territory and its people has the right to self-determination. Moreover, the General Assembly, which reserves to itself the right to determine the territories which have to be regarded as non-self-governing for the purposes of the application of Chapter XI of the Charter, has treated East Timor as such a territory. The competent subsidiary organs of the General Assembly have continued to treat East Timor as such to this day. Furthermore, the Security Council, in its resolution 384 (1975) and 389 (1976), has expressly called for respect for 'the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)'".

Mr. Swiridjaja (Indonesia): It is not the intention of the Indonesian delegation to "colour" the discussions in this Committee by encouraging a polemic.

It is a matter of principle for us to record the political status of East Timor, our position on which is clear.

The historical background of the so-called administering Power of East Timor has already been stated by the Indonesian delegation. Regarding the so-called Non-Self-Governing Territories, a representative of and the leader of the local Parliament of East Timor, as well as its Governor, made a statement recently before the European Parliament in Brussels. And just yesterday, the Committee heard an East Timorese petitioner who is the Regent of Dili, capital of East Timor. So, having listened to all those East Timorese speakers, it is difficult to avoid the reality: that the East Timorese prefer the Government that is already in East Timor.

The Chairman: As there are no other speakers, may I take it that the Committee decides to continue consideration of this item at its next session, subject to any directives which the General Assembly might give in that connection at its fiftieth session.

It was so decided.

The Chairman: The Committee has thus concluded its consideration of this item.

Question of the Falkland Islands (Malvinas) (A/AC.109/2027 and Corr.1 and A/AC.109/L.1830)

The Chairman: I wish to inform members of the Committee that the delegation of Argentina has expressed its desire to participate in the Special Committee's consideration of the item. In accordance with established practice, and if I hear no objection, I shall invite the delegation of Argentina to take a place at the Committee table.

At the invitation of the Chairman, Mr. Guido Di Tella, Minister for Foreign Affairs of Argentina, and members of his delegation took a place at the Committee table.

Hearing of petitioners

The Chairman: In accordance with the requests for hearing granted at the 1442nd meeting, I now invite Mr. Eric Goss and Mrs. Norma Edwards of the Legislative Council of the Falkland Islands to take places at the Committee table.

At the invitation of the Chairman, Mr. Eric Goss and Mrs. Norma Edwards (Legislative Council of the Falkland Islands (Malvinas)), took places at the Committee table.

The Chairman: I call on Mr. Goss.

Mr. Goss (Legislative Council of the Falkland Islands (Malvinas)): Thank you, Mr. Chairman, for giving me the opportunity to address the Special Committee and to speak on the draft resolution before it. It is my privilege and honour to be here today to present the case of the people I represent in the Falkland Islands. This, like the statements and facts presented to the Special Committee by my predecessors over the years, will have, by the very nature of the subject, a repetitive ring.

Let me begin by telling the Committee something about myself. My name is Eric Miller Goss. I was born in Stanley on 20 February 1941. My great-grandfather, Jacob Napoleon Goss, arrived in the Falkland Islands on 10 April 1842 in the brig *Alarm*, a small ship of 220 tons. Records show that one of his first jobs was Gaoler for the Government.

He bought some land on the foreshores of Stanley and, using his skills as a stonemason, built Marmont Row — a long structure, divided up into units to accommodate his children's families in separate quarters, with a public bar on the east end. This pub was probably the first in the Islands. It was named the Eagle Inn, in honour of the spread-winged goshawk on the family crest displayed above the entrance. This fine building still stands today, serving as one of the main hotels in Stanley, and can be recognized as the Upland Goose Hotel.

I am a fourth-generation islander, although 99 years passed between Jacob's landing on the Falkland Islands and my birth. In September 1964 I married Shirley Smith, who is also a fourth-generation islander. Our paternal great-, great-grandfathers were both born in London. We have two sons. Both are married to local girls. My elder son is the proud father of our grand-daughter, Imogen Joy, who is a sixth-generation islander. My commitment to speak in defence of the rights of my family and our forebears and descendants is of the utmost importance to me.

Having shown how deep my roots are, I will move on to tell the Committee about my working and political career. I am employed as a sheep farm manager, on a farm of 283,000 acres carrying more than 75,000 New Zealand Romney crossbred sheep. This farm is just under half the size of Luxembourg — 442 square miles, as compared to Luxembourg's 1,000 square miles. It is twice the size of the Isle of Man, which is 221 square miles. My experience in this type of farm management stretches across a third of a century.

My first entry into local politics was in April 1986, when I won a seat in Council in a by-election in the Camp constituency. I served for three years. I stood in the next election but was unsuccessful. My present term began in October 1993, when I won the second seat in the Camp constituency. I was elected to serve my first year in office on the Executive Council.

I am here today to try to win the Committee's favour and to ask members to look closely at the rationale of decolonization, to assess whether such a broad concept should be applied to all people who, through no choice of their own, find themselves in the situation that is before the Committee, which sits to decide what is best for the future of such a small community as the population of the Falkland Islands.

The matter before the Committee is not a question of the balance of the opinions expressed in the two countries concerned, or the size of their populations. It is a matter of principle. The predominant factor in this equation is our inalienable right to self-determination, as written into the United Nations Charter and the Constitution of the Falkland Islands.

This year, in October, the United Nations will celebrate the fiftieth anniversary of its inauguration. Over the years it has become a well-respected Organization helping to keep the peace all over the world. I came here today almost like the Charles Dickens character Oliver Twist, with begging bowl in hand, hoping to receive a crust of justice — that the Committee will permit me and my fellow-countrymen to live as we wish, to follow a way of life of our choice, under a flag of our liking.

I come before the Committee with an approach slightly different from that of some of my colleagues from my island home who have preceded me. It is not my intention to use this opportunity to denigrate our geographically nearest neighbour, although I will, of course, remind the Committee of the uncivilized invasion of my island home by the Argentine armed forces back in April 1982.

At that time I was farm manager at Goose Green, a small settlement now well documented in our history. At a recent service of thanksgiving for our liberation it was noted that over the 13 years since, 14 of the 114 civilians who had been incarcerated in the community hall have died. I suggest that the younger ones are victims of stress-related trauma as a result of that invasion. There may be good medical reasons to negate this statement, but I am unaware of any.

I should like to continue with a little background history about my island home. The Falkland Islands were first discovered in 1592 by Captain John Davis in his ship *Desire*, and the colony coat of arms reflects the name of his ship in the motto "Desire the Right". We who live in the Falkland Islands desire the right to self-determination as a fundamental part of our constitution.

Another English navigator, Captain John Strong, landed from his ship *Welfare* on 26 and again on 29 January 1690. He named the water he entered Falkland Sound, after Lord Falkland, the Treasurer of the Navy. On 23 January 1765 Captain John McBride named the whole group of islands the Falkland Islands. He established the first real settlement on Saunders Island. Unbeknown to him, a Frenchman, Antoine Louis de Bougainville, was at the same time setting up camp in Port Louis.

Over the next 67 years many nationalities landed on the Islands in pursuit of oil from seals and penguins. This period of our history is shrouded in mystery and myth. But records show that in January 1831 a mixed collection of nationals living at Port Louis, including the cosmopolitan American/German entrepreneur Louis Vernet, was evicted by Captain Silas Duncan of the United States ship *Lexington*.

The second attempt by the British to colonize was made on 3 January 1833 - in a country with no indigenous population. I salute the pioneers who carved an existence in such a harsh environment.

With your leave, Mr. Chairman, I should now like to refer to the Falkland Islands Constitution Order 1985. Paragraph (1) of Article 2 — the interpretation article — says: "'the Falkland Islands' means the colony of the Falkland Islands".

Chapter I of the Constitution — Schedule 1 to the Order — which is entitled "Protection of Fundamental Rights and Freedoms of the Individual", begins:

> "Whereas all peoples have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law;
>
> "And whereas the realization of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations".

The latter provision leaves me in no doubt that this Committee should modify the draft resolution before it to meet the desires and aspirations of the people who live in different Territories. I do not see how a rigid policy on decolonization can be applied across the board to suit every situation. I think a deeper study is required — in particular, of the Falkland Islands.

I must emphasize that we do not seek independence, as might have been wrongly suggested to this Committee as far back as 1987. We are more than content to be accepted in this universally acclaimed forum as a dependent Territory, living and earning our way in the world as we wish under the Union Jack flag.

I should say a word here about independence. After all, the full title of this Committee is Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Now, I think it is fair to say that nobody on the Falkland Islands wants independence at present. We are, after all, under threat from a large and powerful neighbour. There is no way we can defend ourselves without the help of the British forces, which liberated us in 1982 and are still there to protect us.

Most of us are very content with the status quo. We have no desire to change anything on the Falkland Islands. We just wish that our neighbours would allow us to live in peace and not try to determine our future for us or deprive us of our natural resources.

There are some people who see independence as an option — something that we could be working towards in the very long term — but all of us agree that until Argentina drops its pseudo-claim to the islands, that option is effectively ruled out. Independence without security is of no use to anyone. How welcome it would be if this Committee could persuade Argentina that it is in everyone's interests — Argentina's as well as ours — that this archaic claim, which tells us more about Argentina's problems of identity and self-image than about its right to take over our land, should be dropped so that we can live in peace with our largest neighbour, just as we live and trade perfectly peaceably with our other neighbours, Chile and Uruguay.

I call on the United Nations to hear me and to recognize my right to choose the way of life I desire under the Government of my choice. I speak as an elected Member of the Legislative Council — elected by the people to speak for the people of the Falkland Islands.

I further call on all the members of this Committee, assembled to address the issue of decolonization, to accept that the people of the Falkland Islands have no wish to be separated from the United Kingdom, Great Britain. If we are content to live today as we began in 1833, I look to this Committee to let us continue living in a style that suits our identity, and one that we have chosen.

It has been suggested that the solution might lie in offering a substantial sum of money to the islanders to buy off our sovereignty. I do not understand what the formula is for the value of the Argentine birthright, but I do know that mine is priceless. By selling, I would be betraying my mother, who regards me as a priceless treasure. I cannot begin to calculate a value for my birthright. And I was not elected to negotiate away my constituents' birthright.

We are happy to see the evolution of democracy taking shape in Argentina, but it is just over four years old. I see it as an indication of maturity coming to a nation that absorbed so many displaced persons after the Second World War who, in the passage of time, could have a voice in the thinking of their new homeland.

The good book says:

"love thy neighbour as thyself." *(The Holy Bible, Gospel according to St. Matthew 19:19)*

but before we begin, Argentina must respect our right to exist as neighbours.

Mr. Chairman, I want you to go home tonight and think about what "that petitioner" from the Falkland Islands was talking about. I want you to think about a few people, in world dimensions, who also have rights under the United Nations Charter.

The Chairman: I call on Mrs. Edwards.

Mrs. Edwards (Legislative Council of the Falkland Islands (Malvinas)): Thank you, Mr Chairman, for allowing me, on behalf of the people of the Falkland Islands, to petition the Special Committee.

My name is Norma Edwards and I am a member of both the Executive Council and the Legislative Council of the Falkland Islands. I have served as a member of the Falkland Islands Government since 1985, with a break of 18 months during my first term of office, when I resigned from Council because I changed constituencies.

I am a fifth-generation Falkland Islander married to a retired naval officer. My husband and I own a sheep farm on West Falkland, and we have two daughters. The elder recently graduated from university as a geologist, and the younger is about to start university, reading medicine. Both my daughters hope to pursue their careers in the Falkland Islands, as, indeed, do the majority of our young people now. They see the Falklands as a place of opportunity with an exciting future — unlike the majority of young people of my generation who, in the 1960s and 1970s, left because of the Argentine threat to the continuance of British sovereignty.

Of course, that came to a head in 1982 with the invasion of the Islands by Argentina and its defeat by the British task force. Since that time we have cleared up the mess of war, apart from the minefields, and renewed the infrastructure and housing that were destroyed or damaged by the conflict.

Today the capital, Stanley, is a neat, well-cared-for little town with an expanding private sector. Outside Stanley the large farms owned by absentee landlords are no more. They have been subdivided and are owner-occupied and owner-worked. Like the rest of the wool-producing countries, we have suffered the depression in the wool industry since 1991, but the Falkland Islands Government has supported the farms through this slump by way of subsidies. However, we are now free of subsidies and are again self-supporting. We are hopeful that wool prices will continue to rise and farms will continue to prosper.

This is the second time I have attended the Committee, and I find it an enigma that each year we have to ask permission to petition against the draft resolution before the Committee. The sponsors of this draft resolution assert that it is a balanced text. It is difficult to see where the balance lies. The draft resolution refers only to the "interests" of the islanders. What about our wishes?

There is a reference to President Menem's statement to the General Assembly at its forty-ninth session, but not a word about the fact that at the very same session the British Foreign Secretary firmly refuted the Argentine claim to the Islands and stated that the British Government was quite clear about Britain's sovereignty over the Falkland Islands and the other British dependencies in the South Atlantic.

And, most important, I note that this is the only draft resolution before the Committee that does not mention the right to self-determination. The right to self-determination of all peoples, regardless of how big or how small their country and their population, is one of the cornerstones of the Charter of the United Nations, yet here we are, year after year in this prestigious building at meetings discussing the decolonization of countries, talking about Argentina's demand to take over the colonization of the Falkland Islands.

I found the position even more puzzling when, in April of this year we received from the Argentine Foreign Minister, Mr. Guido Di Tella, greetings to all in the Falkland Islands on the occasion of "your beloved Queen's birthday". Surely that is an admission of British sovereignty over the Islands and a recognition of where our loyalty lies. One would have thought so, but in almost the next breath Mr. Di Tella is offering each Falkland Islander a large sum of money to give up his or her sovereignty! I am afraid we are not about to sell either our sovereignty or our birthright, and have no desire to have either condominium, lease-back or any other form of government that would involve Argentina.

The islands were discovered by the British in the sixteenth century, claimed for the British in the eighteenth century — when there was also a small British garrison set up for a few years on one of the Islands, and a French settlement on the main East Island — and colonized by the British in the nineteenth century. There was no indigenous population, and the only time South American citizens were living in the islands was in the early part of the nineteenth century, before Argentina had become a Republic.

Argentines were never ousted from the Islands by the British during the last century. The only time Argentines have been removed forcibly from the Islands was by the British task force in 1982. The people of the Falkland Islands have no wish to become a colony of Argentina.

I am told that Argentina is one of the most beautiful countries in the world. It is certainly one of the biggest. Rich in minerals and pasture land, it should also be one of the wealthiest countries, but until 1982 Argentina suffered years and years of bad government. Now the Argentines enjoy democracy, and as a democratic country they should recognize the rights of other democracies. The Falklands have enjoyed a representative Government for over 150 years. Our Legislative Council was established in 1845. We are self-governing apart from foreign policy and defence, where we consult with the United Kingdom.

Apart from defence costs, which are provided by the United Kingdom, we are financially self-sufficient. Our children are well educated and our people are provided with excellent health care. We have no national debt and have some money in reserves. Our standard of living is good and we have virtually no unemployment.

It would be wonderful if we could live next door to our enormous neighbour without its constantly threatening us with the eventual takeover of our homeland. Argentina must understand that we do not look upon Britain as an oppressive colonial Power, but as a benevolent motherland ready to let us stand on our own two feet and decide our own future, but also ready to give advice and help if we require it.

We have been accused lately of making it difficult and not allowing Argentines to visit their loved ones killed in the 1982 war. Let me make it quite clear: Argentine relatives have visited their war dead in the past and I cannot see any of us refusing relatives that right in the future. We have offered to repatriate all the Argentine dead to their homeland at our own expense in order to make it easier for relatives to visit the graves of their loved ones. This has always been refused by the Argentine Government. However, the graveyard at Darwin is well cared for, unlike the graveyard at my home, Fox Bay which, since 1982, has been in a minefield, so we can no longer tend the graves or visit the remains of our loved ones buried there.

Argentina has said it will fund the clearing of the minefields in the Falklands and at present we are in touch with people in the United States in the hope that we may pursue this possibility. However, having watched the British Army Bomb Disposal Unit painstakingly clear 150 yards of land 2 yards wide to allow us safely to reach the spring on our farm from which we pump water to the farm settlement, I doubt very much that the minefields will be safely cleared in the Falkland Islands in my lifetime. Those 300 square yards took three weeks' hard work to clear, and we have hundreds and hundreds of acres of minefields in the Falkland Islands. But we are of course extremely grateful for the Argentine offer.

Later this year we will open our first oil-licensing round. We are hopeful that there may be hydrocarbons on our continental shelf. Argentina has threatened to do all it can to discourage oil companies in our waters. At the Special Committee's recent Seminar in Trinidad and Tobago, to which a fellow Councillor and I were kindly invited, the Argentine observer who also attended denied

that this was the case and claimed that Argentina and Britain had recently reached agreement on the question of possible hydrocarbons. It is my understanding that talks between Britain and Argentina have recently been held, but to my knowledge no agreements have yet been reached.

It is high time that this Committee advised Argentina to face the realities of the times we live in. The Falkland Islanders are happy to be British citizens in the Falkland Islands. Since 1982, the British Government has constantly told Argentina that our sovereignty is not negotiable. It would be right and proper for this Committee to uphold the advice which the United Nations lays down in its Charter and to vote against this draft resolution, thereby upholding the rights of Falkland Islanders to self-determination to which we, along with the rest of the world, are entitled.

May I take this opportunity to thank you, Sir, and the Special Committee for allowing us to take part in the seminar in Trinidad and Tobago and for listening to us put our case to you today.

Mr. Goss and Mrs. Edwards withdrew.

At the invitation of the Chairman, Mr. Ricardo Patterson took a place at the petitioners' table.

The Chairman: I call on Mr. Patterson.

Mr. Patterson (*interpretation from Spanish*): Firstly, I wish to thank you, Sir, for the opportunity to petition this prestigious international forum on the need for the United Nations to end the stagnant colonial situation affecting the Malvinas Islands.

My great-grandparents were born in the Malvinas and, in 1890, moved across to the Argentine mainland, engaging in farming in Puerto San Julian, in the province of Santa Cruz. They established several sheep farms that continue to operate today. Currently, I am the people's representative of the province of Santa Cruz to the National Congress. I wish to reaffirm Argentine society's desire for global integration and its unquestionable tradition of respect for the life styles, cultures and other values of all its inhabitants.

At various times throughout the years, we have believed that the solution to the issue now before the Special Committee was at hand. In this connection, we would point first and foremost to General Assembly resolution 2065 (XX), which in 1965 recognized the existence of a sovereignty dispute over the Malvinas, urging both sides to resolve the problem. From that moment there has been progress in the successive resolutions favourable to the Argentine position, forming a veritable body of doctrine that accords with our interests. Nevertheless, there has been no progress in resolving the issue before us today, which is a status quo of real injustice to my country.

The British Government has made it clear that its reluctance to comply with the resolutions on the Malvinas Islands is inspired by its obligation to respect the wishes of the inhabitants of the archipelago. I would recall that the Malvinas question constitutes a very special and particular case of decolonization that cannot be equated with the situations of other Non-Self-Governing Territories.

The implementation of the principle of self-determination does not apply to the Malvinas. The only acceptable basis for the decolonization of the Malvinas Islands is established by resolution 1514 (XV) and the fundamental principles of the Charter, which establishes the right of States to territorial integrity. Any other approach would serve to legitimize an unacceptable seizure by force and thus perpetuate colonialism.

We believe it is necessary, indeed indispensable, for the Argentine Republic and the United Kingdom to create the conditions for the resumption of bilateral negotiations on the sovereignty dispute, reconciling interests and goals that are shared with those that are not.

Obviously, when the islanders seek respect for their wishes and not only for their interests, they are expressing a position that conflicts not only with the Argentine position, but also with the vote taken in the General Assembly on 27 November 1985, which rejected the British proposal to proclaim the right of the islanders to self-determination.

It would be unacceptable for these two countries to resolve the sovereignty dispute without taking into account the well-being, traditions and cultural identity of those who live in the Territory in question. It would likewise be unacceptable for our country to accept self-determination for those who are among the British people artificially settled on Argentine territory.

Undoubtedly, the actions of the United Kingdom reflect a lack of will to make progress towards solving this dispute; its position is based on the current situation among the Islanders. In this connection, we deny the tale

put about in the British media that a change of sovereignty would mean that the present inhabitants would become Argentines. This is totally untrue. Nobody will oblige them involuntarily to change their nationality, although such a change would be facilitated for those who wished it. Only those subsequently born in Malvinas territory would be Argentines. This is proved by the large community of British descent that resides in Argentine territory while retaining their original nationality; many of them are the owners of large agricultural and industrial businesses and are never subjected to questions about their status.

At the same time, we must recall that the islanders have been accorded United Kingdom citizenship only since 1983.

Another erroneous interpretation by Great Britain would have it that the legal and historical arguments put forward by Argentina are nullified by the fact that some families have been established in the Malvinas for generations. There is no need for me to draw attention to the dangerous precedent of accepting that the passage of time can establish rights for a Power occupying foreign territory, installing its subjects there after the local population has been removed by armed force.

We regret the flat refusal of the Islands Councillors to establish any kind of contact with our Government. This makes it extremely difficult to move towards the full cooperation that is vital in an area of the South Atlantic that has a growth potential superior to that of any other part of the region. These difficulties increase when the United Kingdom takes actions that are contrary to the will of the international community as expressed in numerous resolutions, for example by taking obstructionist measures such as the 1993 extension of the exclusive fishing zone in the area of the South Georgia and South Sandwich Islands, and its recent extension of that area to more than 1,400 square kilometres around the Malvinas Islands.

In this connection, Great Britain is in breach of United Nations resolutions by granting licenses for prospecting for hydrocarbon deposits in maritime areas close to the disputed Islands. Of course, our country has rejected all these measures as serious diplomatic errors, and has notified the entire international community of its dissent in writing.

In our country we have taken an entirely different attitude; we have reformed the national Constitution, and have incorporated a new clause on the Malvinas Islands ratifying our legitimate sovereignty over them, and declaring that their recovery will be achieved with respect for the way of life of the inhabitants.

I am in no doubt of how beneficial, just and reasonable it would be for both parties if the United Kingdom revised its rigid position; this would be in the interests of both countries, and in the interests of the international community as a whole. For everyone's sake, we must achieve an acceptable agreement on this protracted dispute by means of negotiations between the Argentine Republic and the United Kingdom.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alexander Betts took a place at the petitioners' table.

The Chairman: I call on Mr. Betts.

Mr. Betts: To begin with, I thank you, Mr. Chairman, for giving me the opportunity to address the Special Committee as it considers the draft resolution before it. Although I have spoken here on previous occasions, I will very briefly give some background detail about myself. My name is Alexander Jacob Betts, and I was born in the Malvinas in 1947, receiving my primary education in the colony. I lived there until the end of June 1982. My great-grandparents settled in the islands in 1854 and my two-year-old granddaughter represents the sixth generation of our family to be born in the Islands.

I crossed over to the Argentine mainland shortly after the end of the armed conflict of 1982, and since then have settled down in the province of Cordoba, the geographical centre of Argentina. I live in a town very similar in size to Port Stanley, and during these last 13 years I have completed my secondary education and have taken university studies. From 1987 until March of this year I carried out the duties of General Executive Secretary to the Mayor of the town of Agua de Oro, being responsible for the financial, public works, tourism, social and sports areas of the local government.

In the recent national general elections of last May, a political party nominated me as its candidate for the post of Provincial Lieutenant-Governor. Because of the colonial structure of the islands Government, resident Islanders are directly excluded from a nomination of this kind.

In 1976, six years before leaving the Islands to settle on the continent, I began an in-depth research of the sovereignty issue concerning the Territory. To do this, I referred to works and essays written by United States, French, Spanish, English and Argentine historians and, as a result, I have formed an opinion on this subject that is probably different in many ways from that of the petitioners from the colony who are here today.

Because of this, I want to make some comments on this issue that I hope will be a positive contribution to the deliberations of this Committee on this question that is so dear to Islanders' sentiments. Looking back on the lifestyle, general well-being and quality and quantity of the local services available to the Island community up until 1983 and comparing them with what I know about today's situation in the colony, undoubtedly it is true to say that over these last six or seven years a good deal of progress has been accomplished. This is extremely pleasing to me and it is even more comforting to hear petitioners from the Islands speaking about their future, actually taking an genuine interest in their future, and planning even further progress. This is surprising because until a very short time ago such an attitude was impossible to find among the Islanders.

But making plans for further investment and for accelerating development in the colony first requires settling any ongoing dispute that may exist and that might cloud these plans. And in this case we do indeed have an ongoing dispute; to be precise, a sovereignty dispute. Just recently, citizens of most of Argentina's major cities were able to hear at first hand the opinion of two Islanders who were conducting a public relations tour in Argentina and who made brief references to this subject. As far as the sovereignty issue is concerned, they spoke in unison, reciting that

> "We are Islanders and British and we are not interested in any proposal from Argentina that is not preceded by a resignation of its claim to sovereignty".

They also made it clear that, in their view, debatable historical questions should not be considered as having priority over their right to self-determination.

Their message was an inflexible monologue; they refused to accept under any circumstances the possibility of a reciprocal exchange of each side's differing interpretations of the central issue of sovereignty. To their way of thinking, it is a foregone conclusion; their rights are unquestionable. *Vanitas vanitatum*: vanity of vanities. These attitudes do not reflect the readiness that this British colony must have to work out special and creative arrangements to resolve the problem, arrangements which adequately take into account the interests of the inhabitants and at the same time permit cooperation between the Argentine continental territory and the Islands. This lack of contact is anachronistic and is inconsistent with the atmosphere of good will that prevails in the relations between Argentina and Great Britain.

The process whereby world opinion has successfully insisted that the colonial Powers give up their overseas possessions must be reckoned as both reasonable and irreversible, and its completion as inevitable. For Britain, this means the Malvinas, as to which there is a proper basis for conceding Argentina's historic claim to sovereignty. Nevertheless, in current hard-line Island rhetoric, the object is to confuse the primary dispute, replacing it with abstract definitions of the problem under consideration. The fundamental principles of international law are ignored. There is a total disregard for the systematic discussion of the relationship between the right to self-determination and the principle of territorial integrity.

It is well known that the illegality of a situation born of the use of force cannot be rectified on the basis of the right to self-determination. That right, as applied to the particular legal and factual circumstances which surround the Malvinas issue, does not operate to set aside the rights of Argentina as the legitimate territorial sovereign. Why, then, the hardening of the position of the Islanders? What underlying interests encourage this change of attitude? I believe that the answer to this is really quite simple; the maintenance of the status quo is economically beneficial to a select group of the Islands' population.

From the foregoing, it is clear that from the Islands spokesmen's point of view this question can be resolved only by employing unyielding and unilateral terms. However, no resolution of the Malvinas question can be reached through intransigence. To arrive at a less emotional analysis of the situation requires dialogue, a frank exchange of opinion — something which the ruling minority of the colony emphatically rejects. This is not surprising, because a document published by a subcommittee of the Islands' Legislative Council classifies the central issue of Argentina's claim as irrelevant, on the grounds that the claim rests on its inheritance of the rights which Spain abandoned when it withdrew its settlement from East Falkland in 1811. It

further reasons that the Spanish rights derive from the Papal grants of 1493 and 1494, by which Spain claimed dominion over all of South America with the exception of those areas occupied by Portugal.

With all due respect, I must differ with my fellow-Islanders' views on this matter. Any intelligent person convinced of the prudence of using maturity in dealing with this issue will realize that one has to study and compare all the aspects and arguments put forward by both sides. Having done this, one quickly comes to the conclusion that Argentina's claim is neither as ridiculous, nor as spurious, nor as fragile as my fellow-Islanders would like us to believe.

As it happens, the Malvinas are unquestionably Argentine, legally, historically and politically; yet the Islands continue to be held by Britain in a colonial relationship. The evidence in support of the Argentine claims to sovereignty is overwhelming. These claims are based on the internationally accepted principle of State succession, reinforced by the fact that the Argentine Government took possession of the Malvinas in 1820, maintained its control over them and appointed governors in the Territory.

To be coherent in our arguments it is necessary to take a brief glimpse at the historical events leading up to the eruption of this dispute. Since 1764 there have been successive French, English, Spanish and Argentine colonizations of the Islands. In the first case, France internationally recognized Spain's precedence in its dominion over the Territory and decided to hand over the Port Louis settlement to Spain and withdraw from the archipelago in 1767. In 1769, the Spanish discovered an English fort on Saunders Island and forced its evacuation. The British troops returned in 1771 but His Majesty's Government voluntarily chose to withdraw them once more in 1774. Their reappearance in the Islands took place 60 years later. Between 1774 and 1811 Spain was the sole occupying Power of the archipelago, where 20 of its governors exercised continuous and unchallenged title.

Formal Argentine occupation of the colony took place on 6 November 1820, when the Government of the United Provinces, anxious to secure all parts of its territory, sent a frigate to take possession of the archipelago. The act of taking possession may be properly regarded as an administrative act of own jurisdiction within the national territory, by which the exercise of sovereignty over Malvinas was reassumed. This act was given international press coverage in the United States, Spain and England. Nobody objected to the rights assumed by the new State later to be known as the Argentine Republic and, in 1823, the Governor of Buenos Aires signed a franchise grant which ceded commercial rights in the Territory to promote its colonization.

On 10 June 1829 the Governor of Buenos Aires named a Political and Military Governor of Malvinas, who succeeded in establishing a permanent settlement in the Territory. This settlement flourished until it was abruptly and forcefully brought to an end on 3 January 1833, when Captain Onslow, acting in the name of His Majesty's Government of Great Britain, expelled the Argentine settlers from the Islands. From 1833 to the present, Argentina has formally and continuously protested this illegal seizure of the Islands.

I must emphasize that the possessory Argentine actions referred to above were carried out from 1820 onwards. The United Kingdom recognized the United Provinces as a sovereign State, and in 1825 both countries signed a Treaty of Peace and Friendship, without any protest or reference to the Islands on the part of the British.

This brings me to a brief examination of British claims and of existing British documents that undermine such claims. Britain has frequently asserted that the islands were unoccupied at the time of the seizure. However, British records themselves refute such assertions.

Lord Palmerston stated flatly in 1834 that the British rights to take over were based on "original discovery and the subsequent effective occupation" in reference to the Port Egmont settlement more than half a century earlier. Yet, bearing in mind the memoranda of 1910, 1928 and 1946, British Foreign Office notes of 1982 say that the British claim to first discovery is "obscure and uncertain" and go on to insist that this "has never of itself formed the basis for our claim to sovereignty over the Islands". The then British Prime Minister, the Duke of Wellington, wrote in June 1829, "It is not at all clear to me that we have ever possessed the sovereignty of these Islands".

Once the weakness of claims of discovery and occupation prior to 1833 had been pointed out, new bases for the British claims had to be brought forward. With this in mind, Foreign Secretary Francis Pym suggested in 1982 that British sovereignty rested not on discovery and occupation, but on prescription and the principle of self-determination. To acquire title under the principle of

prescription, a nation effectively occupies a Territory over a period of time. But the occupation must be uncontested. British sources from 1833 to the present day acknowledge Argentine protests of British seizure and occupation. Therefore, it is British records themselves that destroy the case for acquisitive prescription.

With all the foregoing in mind, the historical evidence available in Great Britain proves that Argentina's succession to the sovereignty claim is solidly substantiated.

The Islanders, incited by Britain, have become the champions of the cause of self-determination which, in their opinion, must precede any decolonization process that this Committee or the General Assembly may support or recommend. The Islanders' representatives do not even consider General Assembly resolutions 1514 (XV), 2065 (XX) and 3160 (XXVIII). Nevertheless, it is these resolutions that provide the technical and legal conditions that provide the framework of discussions and future negotiations on this issue within the United Nations context. By majority vote, the General Assembly approved its resolutions 2065 (XX) and 3160 (XXVIII) which explicitly declare the Malvinas question to be "a colonial situation" (*resolution 3160 (XXVIII), fifth preambular paragraph*), thus implying the need for decolonization through negotiations that should proceed "bearing in mind the ... interests of the population" (*ibid., third preambular paragraph*). No mention was made of the right to self-determination in those resolutions. It is important to recall at this point that the United Kingdom proposed amendments to draft resolution A/40/L.19 in November 1985. Both amendments made direct references to the right to self-determination, but each was rejected by the General Assembly.

Imagine the even greater chaos that would reign in the international community today if all a nation had to do to legitimize its seizure of land from another was to drive off the inhabitants of the first nation, bring in its own colonists, and then claim for them the right to self-determination. It is obvious that the islanders and the British Government are invoking self-determination, not as a basis for the legality of Britain's title to the Malvinas, but rather as a political argument for permitting the Islands to remain under British rule in the future.

It is equally important to recall that the Islanders insistently point out that they are not seeking independence, nor do they wish to deprive themselves of their strong colonial ties to Great Britain. The very forcefulness of their assertions is impressive. At the same time, these declarations eliminate any possibility of self-determination.

These are just a few of the great variety of opinions that surround this subject. My purpose in mentioning them is simply to show that the issue of self-determination is much more controversial than it appears to be at first sight.

Without doubt, the Malvinas question is a complex situation that has many facets. In the limited time available to us to address this Committee it would be virtually impossible to attempt to cover all the aspects involved in this issue, so I shall conclude my intervention with the following reflections. Past British arguments of first discovery, first settlement, acquisitive prescription, and continuous and effective occupation have all been overshadowed by the present and future situation in the islands: a present obtained by the violation of nearly all the United Nations resolutions surrounding this dispute; a future full of promise to the island community; a future that demands that the status quo remain unchanged; a future that does not take into account a recognition of the past.

But the past, both distant and recent, is the very reason for the draft resolution before this Committee today and for our presence here as petitioners. It is logical therefore to presume that evidence from the past is an important factor of the Malvinas question. The Islanders' representatives express their desire to continue developing their future in peace and without interference from Argentina, saying that that country should accept categorically that it has no valid or substantiated case for sovereignty over the Islands. However, a quick reading of the House of Commons debate last March on the Falkland Islands indicates that several members of the British Parliament believe that Argentina is an essential part of the immediate future of the Islands.

The comments of one Member are as follows:

> "Discussions and negotiations must be held with Argentina. The Falkland Islanders recognize their geographical location and their need for economic and political relations with their neighbours. The Islanders need to talk to Argentina about fish stocks, conservation, possible oil explorations and economic cooperation in the region".

Another Member said that

> "They [the Islanders] should do nothing to irritate the good relations between Britain and Argentina. Any rhetoric from the Falklanders against Argentina, although understandable because of the wounds of the conflict so few years ago, is extremely unhelpful. It is far better that we gradually rekindle relations between Argentina and the Falkland Islands".

And yet another said,

> "Fishing and oil cannot develop properly in that region without Argentine-Falkland Island cooperation. That is where Argentina, with its long coastline, its industry and so on could be of assistance. We want working together, cooperation and the gradual healing of wounds. That way lies the future prosperity of that important region".

To conclude, I repeat the words of the Chairman of the Falkland Islands group of the Commonwealth Parliamentary Association, who said,

> "I shall concentrate my remarks on future relations between the Islands and the Argentine Republic. I do so because I believe that good relations with Argentina are important to the future of the people of that country, as well as to the Islanders".

It is more than obvious that there is a great deal of ambiguity and difference between Parliamentary thinking and the opinions of the Falkland Islands Legislative Councillors, one of whom has even gone so far as to accuse Argentina of coveting the Islands. I respectfully suggest that Argentina's claim will not just fade into oblivion, as some Islanders hope it will. Rather than coveting the Islands, all Argentina asks is that justice be done for an act of unjustifiable aggression committed on its national territory. An act of force perpetrated by the British in 1833 was typical of its kind in building the British Empire, but it does not alter the pre-existing legal rights of the *de jure* sovereignty of Argentina.

Islanders would do well to bear in mind another biblical passage that reads:

> "Blessed are those which do hunger and thirst after righteousness: for they shall be filled." (*Matthew 5:6*)

If we think about the Middle East and consider the difficulties in the historic negotiations over an agreement between Syria and Israel, and if we forget for a moment about Bosnia, we can be optimistic about the Malvinas issue. I have no doubt that this dispute will be resolved through mutual and respectful dialogue, a dialogue that considers the Malvinas sovereignty dispute in its correct context, with due thoroughness and open-mindedness.

No one will question the right of the Islanders to choose to remain British subjects if this is what they prefer. For that reason, I have no doubt that common sense will prevail and the inhabitants of the Malvinas will agree that these negotiations should commence as soon as possible.

The petitioner withdrew.

The Chairman: I call on the representative of Venezuela to introduce draft resolution A/AC.109/L.1830.

Mr. Rojas (Venezuela) (*interpretation from Spanish*): Venezuela is honoured to be a sponsor, together with Chile and Cuba, of the draft resolution contained in document A/AC.109/L.1830. Through our support we reaffirm our unswerving commitment to the cause of decolonization and are helping to create an atmosphere conducive to the settlement of a dispute between two countries with which we have excellent relations: the Argentine Republic and United Kingdom of Great Britain and Northern Ireland.

Venezuela also reiterates its conviction that the only way to put an end to the special colonial situation of the Malvinas Islands is through a peaceful, negotiated solution. In this respect, we are eager to see the prompt implementation of resolution 2065 (XX), especially as it relates to the relaunching of negotiations between Argentina and the United Kingdom.

We welcome Argentina's positive attitude, as expressed by its Minister of Foreign Affairs last year at meetings of this Committee. Although he reiterated the sovereign rights of his country over the Malvinas Islands, he also declared his Government's determination to ensure full respect for the way of life that has developed in the Islands and to establish direct links between the Argentine Republic and the inhabitants of the Islands.

In this conviction, and in light of the fact that the current draft resolution does not substantially change the resolution adopted last year, it is our hope that, in the best interests of all parties, it will be adopted in its current form by all members of the Committee.

The Chairman: I call on His Excellency Mr. Guido Di Tella, the Minister for Foreign Affairs of Argentina.

Mr. Di Tella (Argentina) (*interpretation from Spanish*): I wish at the outset to congratulate you, Sir, on your chairmanship of this Committee, which attests to your country's commitment to the decolonization process. I wish equally to commend the staff of the Secretariat and the other members of the Bureau for the devotion and energy which they bring to their important work.

I wish also to recognize the presence of Mrs. Edwards, Mr. Goss, Mr. Patterson and Mr. Betts.

It is not my intention today to rehash historical and legal arguments with which this Committee is only too familiar. The grounds on which Argentina bases its rights have been specified time and time again and have received the support of the international community through the General Assembly.

In its resolutions 2065 (XX), 3160 (XXVIII), 37/9 and others, the General Assembly recognized the existence of a sovereignty dispute between Argentina and the United Kingdom, and determined that it should be resolved through negotiations between the parties, taking due account of the interests of the population of the Islands. This Committee and the Assembly have repeatedly called on both countries to relaunch negotiations on the question of sovereignty and have affirmed that such a peaceful solution to the dispute is the way to decolonize the Malvinas Islands.

In their pronouncements, the Committee and the General Assembly have stated that the Malvinas question is a special and particular case that should be resolved in accordance with the purposes and principles of the United Nations Charter, which include negotiations between the parties, and of resolution 1514 (XV). Operative paragraph 6 of that resolution states that:

> "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." (*resolution 1514 (XV)*)

The right to self-determination does not apply to the inhabitants of the Islands, as the General Assembly reaffirmed in its voting on 27 November 1985. To assert otherwise would be to recognize the validity of an originally illegitimate act, because the mere passage of time cannot generate rights for an occupying Power or its subjects installed in a foreign territory who have displaced the local inhabitants by force. Since 1833, Argentines have been prevented from moving freely to the Islands or becoming landowners there, which has strengthened the Islanders' isolationist attitude towards the mainland.

Argentina believes that the establishment of communications between the Islands and the mainland would help to spread understanding among the inhabitants of the entire region and to develop their respective economies, to the benefit of all. Our determination is attested to by the inclusion of the Malvinas question in the new Constitution of Argentina. It states that Argentina's recovery of those Territories and its exercise of full sovereignty over them are in accordance with international law and respect for the way of life of the inhabitants. This is declared to be a permanent and irrevocable aim of the Argentine people and I believe that it clearly highlights the fact that Argentina is no threat to anyone. The only threat arises from arguments and analyses that are used in discussing such a complex issue.

The United Kingdom and Argentina are daily increasing and broadening their bilateral relations. Argentina is now the United Kingdom's third largest trading partner in Latin America. The establishment of consortia and the increasing British investment in our country bode well for the future. In the political arena, both countries agree in their positions. We have common goals concerning the non-proliferation of weapons of mass destruction. There is close cooperation between our armed forces within the framework of United Nations peace-keeping operations or even in such special cases as the Gulf War. In these instances, Argentina and the United Kingdom have acted as genuine allies in building a stable world order.

In aspects relating to the South Atlantic, our desire for practical, result-oriented dialogue has been manifest. We have not taken the position that we desire no cooperation until the question of the sovereignty dispute has been resolved. We want to cooperate even before the fundamental issue has been laid to rest. This demonstrates our great flexibility.

On the issue of fisheries, the Joint Commission on Resource Conservation has continued its work in information exchange and, for example, has made it possible for the second consecutive year to close squid fishing for the sake of conservation and in order to maintain rational exploitation of the resource.

With the same positive attitude we have begun to consider cooperation in the area of hydrocarbon resources. This issue involves aspects more complex than those of fisheries, because the resource in question is non-renewable. We start from the premise that it will be possible to make progress in the exploration and exploitation of the resource only on the basis of cooperation, precisely because of the non-renewable nature of the resource.

The unilateral exploitation of non-renewable resources in the area in dispute contravenes the norms and principles of international law that establish the obligation to refrain from disposing of the non-renewable resources of a Territory when the dispute over its ownership has not yet been resolved. This has been the interpretation of the international community in the specific case of the Malvinas Islands, as reflected in General Assembly resolution 31/49.

For these reasons, and in the absence of any satisfactory bilateral agreement, Argentina will not give its consent to the unilateral exploitation of a resource that it claims as its own. The British Government, the international community and the international oil industry are familiar with our position, which has not changed. Genuine cooperation will work to everyone's benefit and will strengthen trust. Unilateralism leads only to a solidifying of positions and to legal and financial insecurity for potential investors.

In the military field in particular, we have recorded some gradual but steady progress in the area of mutual confidence-building measures. We continue to make headway in the consideration of the practical aspects relating to our initiative to take charge of clearing the mines laid by Argentine armed forces during the 1982 conflict. We are receiving in this connection invaluable cooperation from the Government of the United States, and we trust that this initiative will soon be put into practical effect, in keeping with the spirit of the constant endeavours that the international community is making at present to tackle the scourge of land mines. I should like to thank Norma Edwards for her comments recognizing that Argentina is making a major effort to deal with a problem that we ourselves have caused, a responsibility we fully acknowledge.

However, we wish also to place on record certain facts that, in our opinion, hinder us in the quest for a just and lasting solution to the conflict.

First, notwithstanding what has been recommended in a number of General Assembly resolutions and in this Committee, sovereignty — the main issue in the dispute — still has not been addressed.

Secondly, I should like to mention a number of jurisdictional measures taken by the United Kingdom that contravene the letter and spirit of resolution 31/49 of the United Nations General Assembly, which

> "Calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in [General Assembly resolutions 2065 (XX) and 3160 (XXVIII)]" *(resolution 31/49, para. 4)*.

I am thinking in particular of the 1993 regulatory measures affecting fishing around the South Georgia and South Sandwich Islands, which we deem incompatible with the provisions of the Convention on the Conservation of Antarctic Living Marine Resources. The unilateral extension of its supposed jurisdiction to areas of the South Atlantic not previously in dispute and the absence of any willingness annually to review a regime of fisheries prohibitions to the west of the Islands, in contravention of the joint declaration of 28 November 1990, is for us a very serious matter. All these measures have been firmly rejected by Argentina, as reflected in the official documents of this Organization.

Reference has been made to the importance that my country attaches to the inhabitants of the Islands. The appreciation that they deserve as a community and as the inheritors of the British political tradition prompt me to address them in English.

(spoke in English)

As I said earlier, there are some areas of collaboration in which the United Kingdom, the Islands and Argentina are making progress. Fisheries is an obvious example, but not the only one.

On the other hand, differences remain concerning the substantive issue that has brought us here today: the question of sovereignty. We both know that none of us will give up our respective claims, and so far we have honoured the expression coined a few years ago: "We have to agree to disagree". This is very much in the British tradition.

However, this disagreement does not, and should not, stand in the way of a dialogue which the parties concerned ought to develop, if we are to arrive at a solution to the question of sovereignty.

Certain aspects of British Parliamentary traditions and constitutional arrangements have served as the basis for the development of democracies world wide. People in Argentina know that, and they admire these achievements of British culture.

As everybody knows, Argentina is a country where many nationalities have managed to build a future for themselves and their children. We are used to sharing our lives with people who have a completely different cultural background. For instance, people of Arab and Jewish backgrounds have been living together in my country for over 100 years. Today, we keep accepting new immigrants from places as distant as Russia, Korea and Ukraine.

Moreover, the ancestors of many Argentines emigrated from the United Kingdom, and quite a few moved to the Argentine mainland from the Malvinas, as the presence of the Argentine petitioners clearly shows. Any visitor to my country will immediately realize that British culture has had a deeper impact on our society than the actual numbers of British immigrants could account for.

Argentina's laws and Constitution guarantee the preservation of the cultural heritage of the many immigrants who have settled in my country. They have allowed for whole communities to preserve their cultural traditions: Welsh settlers and German farmers — to name only a few of them — have prospered while retaining common traits that distinguish them both in Argentina and abroad. Bilingual schools have played a decisive role in preserving this feature of Argentine society.

Besides, our Constitution provides for the provincial states to issue their constitution and laws in accordance with their own needs and traditions. Provincial courts and justice departments make sure that the people of each province control the administration of their own laws.

Argentina is a free and democratic country. As such, it imposes no restrictions of entry, at most a visa requirement that does not discriminate against anybody on any grounds, let alone nationality.

Islanders have always been, and always will be, welcome in Argentina. We feel there are many things to be shared with them. We respect them and their feelings of loyalty to their British heritage and to their institutions.

I noticed that some of the petitioners were surprised at my letter of compliments sent on the occasion of the Queen's birthday. The fact that we do not talk to each other can mean that the messages we send one another are not fully understood. One of the reasons I come here is that at least once a year, I can catch a glimpse of two petitioners whom I normally do not see, and this for us is very important.

Having said this, I would add that the question of sovereignty remains a complex issue that requires imaginative solutions. Today we see that many nations have been able to overcome even greater obstacles than the one we face in the South Atlantic. Israel and the Palestinians have often been mentioned as an example. The people of Alland and Finland have also managed to reach an agreement that suits all parties concerned.

Indeed, the different interpretations of sovereignty by Argentines and the British people should be further considered. We associate sovereignty with the land, whereas they emphasize the people, their way of life and their political culture. No doubt, there is a problem here that underlies the whole essence of the debate, but let me express my sincere belief that, as long as we are prepared at least to engage in civilized discussions of the subject, Islanders, the British and Argentines will probably gain a better vantage point from which to overcome the obstacles to a solution.

(spoke in Spanish)

Argentina has evolved. It has grown, together with a fundamentally different international order. As players in this new environment, we have also recognized the mistakes of the past and in accordance with international law and with our Constitution have committed ourselves to a completely peaceful solution to this dispute.

Our attitude towards the Islanders has also changed. And I wish once again to reaffirm to them our readiness to enter into dialogue without exclusion in the framework of mutual respect, a dialogue among citizens respectful of the rule of law and fundamental freedoms.

Others, in different parts of this world, though very often they may not share the same values or recognizing a common history, have found a way to use democracy appropriately in order to solve conflicts which seemed not to lend themselves to agreed solutions.

I look forward to the support of the Committee for the draft resolution that has been submitted, and special tribute goes to our brothers from Latin America — from Cuba, Chile and Venezuela — who have honoured us by sponsoring it.

Mr. Rodrígues Parrilla (Cuba) *(interpretation from Spanish)*: I should like, first and foremost, to applaud and commend the Special Committee's contribution to the analysis and monitoring of the question of the Malvinas. The position of the Government of the Republic of Cuba concerning the question of the Malvinas has been clearly stated and upheld both in this Special Committee and in other relevant international forums.

My delegation wishes once again to voice its full support for the legitimate claim of Argentina concerning sovereignty over the Malvinas Islands. Cuba takes the view that Argentine sovereignty over that Territory is beyond any doubt. We should like to express our hope that this dispute will be resolved through dialogue and cooperation between the parties. My delegation believes that such willingness is clearly being displayed by the Argentinian Government. In particular, we recall that the Minister for Foreign Affairs of Argentina stated in the 1994 session that his Government was ready to build bridges and that, in any event, the Islanders would be accorded full respect for their way of life. The Minister of Foreign Affairs has restated that position today.

Our understanding of the subject, including the reasons that we have already explained, prompted Cuba to become a sponsor of the draft resolution before the Committee, in the hope of helping to bring the parties to the path of understanding and agreement on this issue.

Mr. Larraín (Chile) *(interpretation from Spanish)*: In the first place, my delegation wishes to welcome the presence here today of the Foreign Minister of Argentina, Mr. Guido Di Tella, to whom we are grateful for his statement of a few minutes ago.

My delegation wishes to associate itself with what was said by the representative of Venezuela when he introduced the draft resolution, which we too have the honour of sponsoring, and which we hope will be adopted in its present version.

Mr. Samana (Papua New Guinea): I should like at the outset to acknowledge the presence of the Argentinian Foreign Minister, which enhances the proceedings of the Committee and enriches the debate on the question before us.

Papua New Guinea has always taken account of and supported the consensus of the Committee and the United Nations resolutions on the question of the Falkland Islands (Malvinas). By the same token, Papua New Guinea has consistently raised the matter of the omission from draft resolutions of the question of the Islanders' right to self-determination. Papua New Guinea believes that the right to self-determination of the sixth-generation Islanders of the Falklands (Malvinas) is a legitimate matter for consideration by the Committee. Therefore, at an earlier stage we proposed an amendment in recognition of the wish of the Islanders to have the Government of their choice and to choose their political future.

Having considered the issues before the Committee, we have proposed for the Committee's consideration an amendment concerning recognition of the right of the Islanders to choose their own political future. We have circulated the draft to the delegations of Cuba, Chile and Venezuela, which are sponsors of the draft resolution, and have received their reply. Agreement has been reached in informal consultations that the amendment proposed by Papua New Guinea introduces a substantial new element in the form of the issue of self-determination.

Accordingly, Papua New Guinea wishes not to pursue the proposed amendment until a later date, perhaps at the Committee's next session. Thus, Papua New Guinea, in a spirit of harmony and cooperation with all parties concerned, wishes to indicate that we shall introduce this amendment next year, with the cooperation of the other delegations in the Committee, to take account of the wishes of the Islanders with respect to their right to self-determination.

The Chairman: I thank the representative of Papua New Guinea for his magnanimity.

As there are no further speakers on this item the Committee will proceed to take action on draft resolution A/AC.109/L.1830. May I take it that the Committee is prepared to adopt the draft resolution without a vote?

Draft resolution A/AC.109/L.1830 was adopted (A/AC.109/2033).

The Chairman: I shall now call on those representatives who wish to explain their positions.

Mr. During (Sierra Leone): I should like to state the enduring view of the delegation of Sierra Leone.

While we laud the efforts of the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland in seeking to resolve this issue by peaceful means, we accord significance to the wishes and interests of the people of the Islands. As in the past, we believe that the resolution should have made appropriate reference to the important and relevant question of self-determination for the Islanders.

Mrs. Khan-Cummings (Trinidad and Tobago): Trinidad and Tobago has again this year joined in the consensus adoption of the resolution on the question of the Falkland Islands (Malvinas). However, Trinidad and Tobago maintains the view that the resolution could have been more balanced with the inclusion in the text of a reference to the right to self-determination, which is universally recognized and should apply to peoples in a Non-Self-Governing Territory.

This is also important as we approach the end of the International Decade for the Eradication of Colonialism. Trinidad and Tobago notes the progress in bilateral relations between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland, and hopes that this propitious climate will ultimately lead to a satisfactory resolution of this issue.

The meeting rose at 1.10 p.m.